

NEWARK, NEW JERSEY

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ZURICH, SWITZERLAND

# KARASIK & ASSOCIATES, LLC

ATTORNEYS AND COUNSELORS AT LAW

May 1, 2008

**VIA ELECTRONIC FILING**

The Honorable Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

RE: *Mr. Jiri Pik v. The Institute of International Education et. al.*  
United States District Court  
Southern District of New York  
Case No.: 08 CV 3909  
Our File No.: 00270-0362

Dear Judge Buchwald:

My office represents the Plaintiff, Jiri Pik, in the above matter. On Monday, April 21<sup>st</sup> our messenger service, Karen's Messenger, picked up from our office the original of the Complaint and two Summons (one for each Defendant) along with a check in the amount of \$350 and a completed Civil Cover Sheet. Copies of the documents were also enclosed in order to be stamped and returned to my office by the messenger so that we had file-stamped copies in hand. The messenger arrived at the federal courthouse at approximately 5 p.m. on Monday afternoon, the 21<sup>st</sup>. When he arrived, the Marshall's Office would not let the messenger pass security and instead accepted the papers, even though they were to be filed. The Marshall's Office stamped the messenger's Manifest, showing receipt of the documents. A copy of the Manifest is enclosed herein. We also enclose a copy of the front and back of the check included with the papers to be filed. As Your Honor will see, the back of the check was stamped by the Clerk's Office and dated April 22, 2008. Apparently, the documents were transmitted from the Marshall's Office to the Clerk's Office the next day, April 22<sup>nd</sup>.

From Tuesday, April 22<sup>nd</sup> through Thursday morning, April 24<sup>th</sup>, I placed approximately eight phone calls to the court to confirm receipt of the documents. Since the Marshall's Office would not allow my messenger to enter the building to physically file the papers, I did not have my stamped copies. I spoke to several people in the Clerk's Office, mail room personnel and representatives from the Marshall's Office. Although everyone tried to be helpful, no one had

The Honorable Naomi Reice Buchwald  
May 1, 2008  
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any record of the documents being received or any explanation why they did not appear in the Court's records. On Thursday afternoon, April 24<sup>th</sup>, we received the enclosed letter from the Deputy Clerk indicating that the papers were not accepted for filing because on the Civil Cover Sheet we had checked the boxes that identified the citizenship of both Defendants. Since there are two Defendants in the case, we checked a box identifying the citizenship of each one. As it turned out, the Clerk rejected the papers for filing on the grounds that, even if there are more than one Defendant, the citizenship of only a single Defendant is to be identified. Frankly, this seems to be rather odd especially since diversity cases are based upon there being complete diversity between each Defendant and the Plaintiff. In any case, whether the citizenship of one, two or any number of Defendants should be noted on the Civil Cover Sheet hardly seems a fair basis to reject the Complaint for filing.

When we learned of this problem on Thursday afternoon, April 24<sup>th</sup>, I again attempted to call the Clerk's Office to discuss the matter. Since I was unable to reach anyone able to address the problem Thursday afternoon, we made the change on the Civil Cover Sheet and had the papers filed the next morning, April 25<sup>th</sup>. Although I left the county that day, I still attempted to follow up by phone in order to have the papers deemed filed on April 22<sup>nd</sup>, the date they were stamped by the Court. I was unable to reach the person to whom I was told I need to speak to in the clerk's office, Cecilia, until today. After speaking to her, it was agreed that the best way to resolve this problem was to write to Your Honor requesting that the papers be deemed filed on April 22<sup>nd</sup>. As it turns out, in this particular case the filing date is of potential significance.

Based on the foregoing circumstances, I respectfully request that the lawsuit be deemed filed on April 22, 2008.

Respectfully submitted,



Sheldon Karasik

SK/m  
enc.

#	TKT#	PICKUP FROM	DELIVER TO	PCS / WGT	SIGNATURE	PRINT NAME	TIME	EXP
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
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12								
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MESSINGER MANIFEST

RECEIVED IN GOOD CONDITION

Karen's messenger

212-971-9554

917-903-1972

Messenger Name: *John*

Messenger #: *4/2/81*

Date: *4/2/81*

THE SENDER HEREBY DECLARIES THE VALUE OF  
ANY ONE SHIPMENT CONSISTING OF ONE OR  
MORE PACKAGES IS NOT GREATER THAN \$50.00,  
AND LIMITS OUR LIABILITY UP TO \$50.00,  
UNLESS SHIPMENT IS NOT RECEIVED AFTER VALUE.

Collect Calls WITHOUT THE ACCEPTED  
COLLECT CALLS WILL NOT BE ACCEPTED

United States District Court  
Southern District Of New York  
Office of the Clerk  
500 Pearl Street  
New York, NY 10007

J. Michael McMahon, Clerk of Court

Dear Sir/Madam:

The enclosed document(s) is/are being returned for the following reason(s):

- Filing fee of \$ \_\_\_\_\_ is required
- Fee is premature until motion has been granted or denied
- No personal checks, check must be certified or enclose a money order
- Certificate of good standing (COGS) from a New York State Court must be issued within thirty days. If COGS is from VT or CT both Federal and State certificates are needed and must be issued within thirty days (Local Rule 1.3)
- Sponsor must know petitioner for at least one full year, specific date needed if it is only one year (Local Rule 1.3)
- For original signature of the attorney of record, facsimile signatures are not acceptable
- New Petition for Admission/ECF Registration form must be filled out and notarized

**New Action could not be opened due to following:**

- One original and two copies of SDNY civil cover sheets (JS44C/SDNY) are needed
- One original and one copy of Federal Rule 7.1 are needed
- Only one Nature of Suit can be marked off
- Signing Attorney must be admitted in the Southern District
- If relating new action, SDNY case number and judge are needed

**Under Basis of Jurisdiction:**

- U. S. Plaintiff/ U. S. Defendant is for government agencies only
- Cannot file as Federal Question and Diversity
- Citizenship of Principal Parties is for Diversity cases only  
Only one box for plaintiff and one box for defendant allowed under Citizenship of Principal Parties no matter how many parties are involved
- Diversity and Nature of Suit #890 (other statutory actions) can not be chosen together
- Other \_\_\_\_\_

Please comply with the above checked item(s) and resubmit said document(s) in conformity to the Rules of this court. Thank you for your cooperation.

APR 22 2008

Date \_\_\_\_\_

C. Lopodoy  
Deputy Clerk

KARASIK & ASSOCIATES LLC  
28 W 36TH ST 901  
NEW YORK, NY 10018-8002

2081  
1-108/210

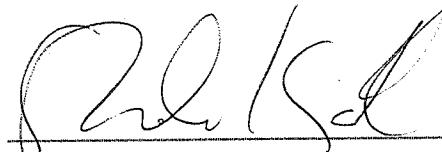
DATE

4/21/08

THE  
DER OF Clerk's Office, Southern District of New York \$ 350.00  
Three Hundred and Sixty Seven DOLLARS

Security  
Features  
Details on  
Back.

HSBC   
NEW YORK, NY 10018



MP

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DAY TO THE ORDER OF  
JPMORGAN CHASE BANK  
FOR DEPOSIT ONLY  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NY  
ALC 00004654  
CAN 001042  
9101163088

1-4-22-08